

EXPLORATION TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 8, 2009

TO: Internal File

THRU: Steve Demczak, Lead *SD b7805*

FROM: *JCH* Joseph C. Helfrich, Environmental Scientist/Biology/Land use/Cultural resources

RE: Minor Coal Exploration Plan, Ark Land Company, Dugout Mine, C/007/0039,
Task ID #3301

SUMMARY:

On June 3, 2009 the Division received an application from Ark Land Company to drill one coal exploration hole on private land during the mid to late Summer of 2009. The exploration hole will be completed by the use of rubber tired drill rigs. The exploration site can be located on the Mount Bartles and Pine Canyon 7.5 minuet quadrangle maps check the maps, I'm showing Wood Canyon quad on nine mile road, township 12 south range 13 east in section 14.

This memo will address the Biology and Cultural Resource and Land use sections of the regulations.

EXPLORATION TECHNICAL ANALYSIS:

OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

Analysis:

Biology

Page 5 of the application refers the reviewer to Appendix C that is not included in the application. Page 6 of the application describes the vegetative communities in the exploration sites as mountain brush, pinyon-juniper and sagebrush. According to the survey preformed by Pat Collins of Mt. Nebo Scientific there were no threatened, endangered or sensitive plant or animal species located within the proposed drill site locations.

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The application does not include the following wildlife information or a reference to an Appendix :

- A current list of Threatened and Endangered plant, animal and fish species,
- A statement regarding the absence of Threatened and Endangered and Sensitive species, (plant, fish and animal), and a rationale for their absence that may be located within the proposed drill site locations, a statement is provided but it is not supported by a reference to a survey or the individual that conducted the survey. There is a reference to Appendix C that is not included in the application.
- Vegetation and wildlife maps 3-1 and 3-2 that include the location of the proposed drill sites are found in volume three of the MRP, there are no wildlife or vegetation maps included in this application. There are references to Appendix C that is not included in the application.
- A 2007 raptor survey indicating that there are no active nests within ½ mile of the proposed drilling locations, the applicant may need to provide a current survey.
- A 2007 Northern Goshawk survey. The calling survey conducted over a period of four weeks indicated that there were no responses from Goshawks. There were no nests located within ½ mile of the proposed drill site locations. The applicant may need to provide a current survey.
- A calling point survey was also conducted for the Mexican Spotted Owl. There were no responses according to the results of the survey. The applicant may need to provide a current survey.

The Bald Eagle may visit the area during winter periods of migration. Eagles do not typically nest in Utah, although there are eight known nesting pairs in the state. The exploration activities are scheduled for September of 2008 and would not affect the birds. There are no threatened or endangered or sensitive plant or animal species located in the proposed drill hole locations. Sensitive wildlife species include the Spotted Bat, Townsend's Big Eared Bat, the Northern Goshawk, Flamulated Owl and Three Toed Woodpecker. There is suitable habitat for the Goshawk, and three toed Woodpecker, and marginal habitat for the Flamulated Owl in the mixed conifer forests on the north facing slopes of the drainages. Since the exploration sites are located in open areas these species' habitats would not be affected by the drilling activities. Managemnt Indicator Species include Elk, MuleDeer, the Northern Goshawk, Golden Eagle and Macroinvertebrates. According to the report they would not be affected by the helicopter-drilling project.

The drilling activities are scheduled for the 15th of September, which is not during any wildlife exclusionary periods.

Findings:

The information provided is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

Page 6 of the application needs to include information that identifies the survey that is located in the confidential files and a reference to the date of SHPO concurrence. The exploration site can be located on the Mount Bartles and Pine Canyon 7.5 minuet quadrangle maps, township 12 south range 13 east in section 14. The project areas are located within the Pace Creek and Dugout Creek drainages.

According to the survey there were no known districts, sites, buildings, structures, or objects listed on or eligible for listing on the National Register of Historic Places. The survey results also provided a finding of "no historic properties affected". A copy of the survey was forwarded to the State Historic Preservation Office. The Division received their concurrence from the SHPO by way of "E" mail correspondence on 2009.

Findings:

The information provided is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with ; R645-301-411;

Page 6 of the application needs to include information that identifies the survey that is located in the confidential files and a reference to the date of SHPO concurrence.

RECLAMATION STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-200.

Analysis:

Revegetation

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The application includes a seed mix to be used in reclamation of the drill sites as outlined on page 9 of the application. The seed mix was approved by the division for the Granger Ridge project and is applicable to the locations for the proposed drill sites. Page 9, Figure three has not been provided to show the layout of the drill pad.as noted on page 9, section 242 of the application.

Page 9, section 242 of the application needs to include a description of the “method of revegetation”. Page 10, paragraph 1, needs to be revised to include a commitment to contact the division prior to making any changes to the approved seed mix and a description of the methodology employed to reclaim the drill site or a reference to the methodology described on page 9, section 242.

Findings:

The information provided is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with

RECOMMENDATIONS:

The application is recommended for approval.